

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

PHILLIPS BEVERAGE COMPANY,

Case No. 08-CV-0566 (PJS/JJG)

Plaintiff,

v.

ORDER

LVMH MOET HENNESSY LOUIS  
VUITTON S.A., MOET HENNESSY SNC,  
and MILLENNIUM IMPORT LLC,

Defendants.

---

This matter is before the Court on plaintiff's motion to remand [Docket No. 7]. The Court construes defendants' notice of removal [Docket No. 1], which asserts that defendant Millenium Import LLC has been fraudulently joined, as a motion to dismiss all claims against Millennium Import for failure to state a claim upon which relief can be granted under Rule 12(b)(6) of the Federal Rules of Civil Procedure. Based on all of the files, records, and proceedings herein, and for the reasons stated on the record at the hearing on February 29, 2008,

IT IS HEREBY ORDERED THAT:

1. Plaintiff Phillips Beverage Company's Emergency Motion to Remand [Docket No. 7] is DENIED.
2. All claims against defendant Millennium Import LLC are DISMISSED WITH PREJUDICE AND ON THE MERITS.

Dated: February 29, 2008

s/Patrick J. Schiltz

---

Patrick J. Schiltz

United States District Judge